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|  |   |   |
|--|---|---|
| <b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b><br>(37 CFR 1.63) |   | Attorney Docket Number<br>SPINE 3.0-437 |
|  |   | First Named Inventor<br>Joseph P. Emico |
| <b>COMPLETE IF KNOWN</b>   |   |   |
| <input type="checkbox"/> Declaration Submitted with Initial Filing           | <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.18 (e)) required) | Application Number<br>10/784,597        |
|  |   | Filing Date<br>February 23, 2004        |
|  |   | Group Art Unit<br>3681                  |
|  |   | Examiner Name<br>Not Yet Assigned       |

A: as below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

(I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ARTIFICIAL INTERVERTEBRAL DISC TRIALS HAVING A CYLINDRICAL ENGAGEMENT SURFACE**

(Title of the invention)

The specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

02/23/2004

as United States Application Number or PCT International

Application No.

10/784,597

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

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## DECLARATION — Utility or Design Patent Application

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Customer Number 000530

Direct all correspondence to: ☒ Customer Number or Bar Code Label 000530 OR ☐ Correspondence address below

Name

Address

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State

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Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and those made so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name  
(First and middle (if any))

Joseph P.

Family Name  
or Surname

Emico

Inventor's  
Signature

Date 10/6/04

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NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name  
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Michael W.

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07110

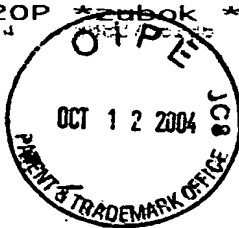
Country  
United States of America☒

Additional inventors are being named on the

1

supplemental Additional Inventor(s) sheet(s) PTO/56/02A attached hereto.

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PTO/SB/RZA (08-03)

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Page 1 of 1

|  |       |   |                          |
|--|-------|---|--------------------------|
| Name of Additional Joint Inventor, if any: |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                          |
| Given Name (first and middle (if any))     |       | Family Name or Surname  |                          |
| Rafail                                     |       | Zubok   |                          |
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|  |       |   |                          |
| Inventor's Signature                       |       | Date  |                          |
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|  |       |   |                          |
| Name of Additional Joint Inventor, if any: |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                          |
| Given Name (first and middle (if any))     |       | Family Name or Surname  |                          |
|  |       |   |                          |
| Inventor's Signature                       |       | Date  |                          |
|  |       |   |                          |
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|  |       |   |                          |
| City                                       | State | Zip   | Country                  |
|  |       |   |                          |
| Name of Additional Joint Inventor, if any: |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                          |
| Given Name (first and middle (if any))     |       | Family Name or Surname  |                          |
|  |       |   |                          |
| Inventor's Signature                       |       | Date  |                          |
|  |       |   |                          |
| Residence: City                            | State | Country   | Citizenship              |
|  |       |   |                          |
| Mailing Address:                           |       |   |                          |
|  |       |   |                          |
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